

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RALPH LANE and BEVERLY LANE:

: CIVIL ACTION

v.

:

:

NO.

ZALLIE SUPERMARKET , INC. and

:

JOHN DOE (FICTITIOUS NAME)

:

**NOTICE FOR REMOVAL OF ACTION PURSUANT TO 28 U.S.C. §1441**

Defendant, Zallie Supermarkets, Inc. (hereinafter "Zallie Supermarkets"), hereby submits notice to the United States District Court for the Eastern District of Pennsylvania for the removal of the above entitled action to this Court and, in support thereof, respectfully represents:

1. Defendant, Zallie Supermarket, is a corporation organized and existing under the laws of the State of New Jersey, having its principal places of business located at 1230 Blackwood Clementon Road, Clementon, New Jersey, 08021.

2. Defendant, John Doe<sup>1</sup>, is alleged by Plaintiff to be a resident of the state of New Jersey.

3. Upon information, knowledge and belief, Plaintiff, Ralph Lane, is an adult individual and citizen and resident of the Commonwealth of Pennsylvania, residing at 225 Ryans Run, Garnet Valley, Pennsylvania, 19060.

4. Upon information, knowledge and belief, Plaintiff, Beverly Lane, is an adult individual and citizen and resident of the Commonwealth of Pennsylvania, residing at 225 Ryans Run, Garnet Valley, Pennsylvania, 19060.

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<sup>1</sup> Although it alleged the John Doe Defendant is a resident of New Jersey, it should not have any bearing on diversity jurisdiction because "in determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded." 28 U.S.C.A. § 1441.

5. On or about October 12, 2017, Plaintiff instituted the instant action by way of Complaint (the "Complaint"), a copy of which is attached as Exhibit "A," in the Pennsylvania Court of Common Pleas, Philadelphia County, as of October Term, 2017; No. 01629.

6. The Complaint was filed as a Major Jury case, seeking damages in excess of \$50,000.00, exclusive of interest and costs.

7. In the Complaint, Ralph Lane demands judgment against the Defendants for damages in a sum in excess of \$100,000.00.

8. In addition, in the Complaint, Beverly Lane demands judgment against the Defendants for damages in a sum in excess of \$100,000.00.

9. 28 USCA § 1332 states in relevant part:

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between —

(1) citizens of different States;

(c) For the purposes of this section and section 1441 of this title —

(1) a corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business

28 U.S.C.A. § 1332

10. 28 U.S.C.A. § 1446 states in pertinent part "if removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a) [diversity of citizenship], the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy..."

11. The sum demanded in the initial pleading, that being Plaintiff's Complaint, is in excess of \$75,000.

12. Diversity of citizenship exists between Plaintiff's, citizens, residents and

domiciliaries of the Commonwealth of Pennsylvania, and Defendant, Zallie Supermarkets, a corporation organized and existing under the laws of the State of New Jersey and having its principal place of business in the State of New Jersey.

13. Complete diversity of citizenship exists between the parties and removal is proper pursuant to 28 U.S.C. § 1441.

14. The said diversity of citizenship existed at the time the action sought to be removed was commenced and continues to the time of the filing of this Notice. Therefore, as to said claims and causes of action, Defendants are entitled to removal pursuant to 28 U.S.C. §1441, et seq.

15. This Notice of Removal is timely under 28 U.S.C. §1446(b) as it is filed within thirty (30) days after Defendant's receipt of Plaintiffs' Complaint.

WHEREFORE, the above action now pending against Defendant in the Pennsylvania Court of Common Pleas, Philadelphia County, is removed therefrom to this Honorable Court.

Respectfully submitted,

THE CHARTWELL LAW OFFICES, LLP



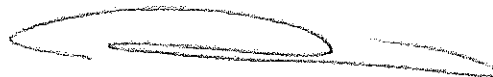
BY: \_\_\_\_\_

Michael J. Diamond, Esquire  
Attorney Identification No.: 69420  
One Logan Square, 26th Floor  
130 North 18th Street  
Philadelphia, PA 19103  
Phone: (215) 972-7006  
Attorney for Defendant,  
Zallie Supermarkets, Inc.

COMMONWEALTH OF PENNSYLVANIA       )  
  )  
COUNTY OF PHILADELPHIA            )       ss:

**AFFIDAVIT**

MICHAEL J. DIAMOND, ESQUIRE, being duly sworn according to law, deposes and says that he is the attorney for Defendant, Zallies Supermarkets, Inc.; that, he has read the foregoing Notice and knows the contents thereof; that, he is authorized to make this Affidavit on behalf of Zallies Supermarket, Inc. and, that the facts alleged in the Notice are true and correct to the best of his knowledge, information and belief.

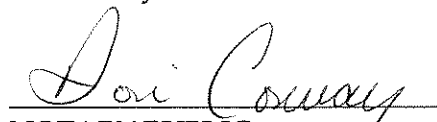


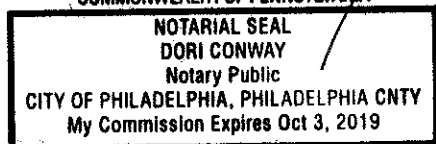
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MICHAEL J. DIAMOND, ESQUIRE

Sworn to and subscribed before me

this 3<sup>rd</sup> day of November, 2017.

  
NOTARY PUBLIC  
COMMONWEALTH OF PENNSYLVANIA



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RALPH LANE and BEVERLY LANE	:	
	:	CIVIL ACTION
v.	:	
	:	NO.
ZALLIE SUPERMARKETS, INC. and	:	
JOHN DOE (FICTITIOUS NAME)	:	

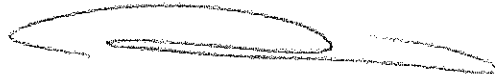
**CERTIFICATE OF SERVICE**

I hereby certify that on the date listed below, a true and correct copy of the Notice for Removal of Action pursuant to 28 U.S.C. §1441 filed by Defendant, Zallie Supermarkets, Inc., was served upon the following by United States first class mail, postage pre-paid, addressed as follows:

Jeffrey M. Rosenbaum, Esquire  
Rosenbaum & Associates, P.C.  
1818 Market Street  
Philadelphia, PA 19103

Respectfully submitted,

THE CHARTWELL LAW OFFICES, LLP



Date: 11/13/17

BY: \_\_\_\_\_  
Michael J. Diamond, Esquire  
Attorney Identification No.: 69420  
One Logan Square, 26th Floor  
130 North 18th Street  
Philadelphia, PA 19103  
Phone: (215) 972-7006  
Attorney for Defendant,  
Zallie Supermarkets, Inc.

# EXHIBIT “A”

Court of Common Pleas of Philadelphia County  
Trial Division  
**Civil Cover Sheet**

OCTOBER 2017

001629

PLAINTIFF'S NAME  
RALPH LANE

DEFENDANT'S NAME  
JOHN DOE, ALIAS: (FICTITIOUS NAME)

PLAINTIFF'S ADDRESS  
225 RYANS RD  
GARNET VALLEY PA 19060

DEFENDANT'S ADDRESS  
1230 BLACKWOOD CLEMENTON ROAD  
CLEMENTON NJ 08021

PLAINTIFF'S NAME  
BEVERLY LANE

DEFENDANT'S NAME  
ZATITE SUPERMARKET, INC.

PLAINTIFF'S ADDRESS  
225 RYANS RD  
GARNET VALLEY PA 19060

DEFENDANT'S ADDRESS  
1230 BLACKWOOD CLEMENTON ROAD  
CLEMENTON NJ 08021

PLAINTIFF'S NAME

DEFENDANT'S NAME

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS

2

TOTAL NUMBER OF DEFENDANTS

2

COMMENCEMENT OF ACTION

☒ Complaint

☐ Petition Action

☐ Notice of Appeal

☐ Writ of Habeas Corpus

☐ Transfer From Other Jurisdiction

AMOUNT IN CONTROVERSY

☐ \$50,000.00 or less

☒ More than \$50,000.00

COURT PROGRAMS

☐ Arbitration

☐ Jury

☒ Non-Jury

☐ Other

☐ Mass Tort

☐ Summary Action

☐ Bedside

☐ Commerce

☐ Minor Court Appeal

☐ Statutory Appeals

☐ Settlement

☐ Minors

☐ W/D/Survival

CASE TYPE AND CODE

2V - MOTOR VEHICLE ACCIDENT

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED  
PROPROTHY**

OCT 12 2017

M. BRYANT

IS CASE SUBJECT TO  
COORDINATION ORDER?  
YES NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: RALPH LANE , BEVERLY LANE

Papers may be served at the address set forth below.

NAME OF PLAINTIFFS/PETITIONERS/APPELLANT'S ATTORNEY  
JEFFREY M. ROSENBAUM

ADDRESS  
1818 MARKET STREET  
SUITE 3200  
PHILADELPHIA PA 19103

PHONE NUMBER  
(215) 569-0200

FAX NUMBER  
(215) 569-6099

SUPREME COURT IDENTIFICATION NO.  
51719

E-MAIL ADDRESS  
rosenbaumfilings@verizon.net

SIGNATURE OF FILING ATTORNEY OR PARTY  
JEFFREY ROSENBAUM

DATE SUBMITTED  
Thursday, October 12, 2017, 03:45 pm

FINAL COPY (Approved by the Prothonotary Clerk)

ROSENBAUM & ASSOCIATES, P.C.  
By: JEFFREY M. ROSENBAUM, ESQ. - ID #51719  
1818 Market Street, Suite 3200  
Philadelphia, PA 19103  
(215) 569-0200

MAJOR NON-JURY  
Hearing on Assessment  
of Damages is to be held at the  
Office of Judicial Records  
Attorney For Plaintiff

RALPH LANE and BEVERLY LANE as h/w  
225 Ryans Run, Garnet Valley, PA 19060  
vs.

: PHILADELPHIA COUNTY  
: COURT OF COMMON PLEAS

JOHN DOE (FICTITIOUS NAME)  
1230 Blackwood Clementon Road  
Clementon, NJ 08021  
and

TERM, 2017

ZALLIE SUPERMARKET, INC.  
1230 Blackwood Clementon Road  
Clementon, NJ 08021

: NO.

2V Motor Vehicle Accident - Complaint in Civil Action

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERRAL & INFORMATION SERVICE  
Philadelphia Bar Association  
One Reading Center  
Northwest Cor. 11th & Market Sts.  
Philadelphia, Pennsylvania 19107  
Phone: (215) 238-1701

AVISO

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VEINTI (20) DIAS DE PLAZO AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. HACE FALTA ASENTAR UNA COMPARENCIA ESCRITA O EN PERSONA O CON UN ABOGADO Y ENTREGAR A LA CORTE EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECIONES A LAS DEMANDAS EN CONTRA DE SU PERSONA. SEA AVISADO QUE SI USTED NO SE DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE CONTINUAR LA DEMANDA EN CONTRA SUYA SIN PREVIO AVISO O NOTIFICACION. ADEMÁS, LA CORTE PUEDE DECIDIR A FAVOR DEL DEMANDANTE Y REQUIERE QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. USTED PUEDE PERDER DINERO O SUS PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED. LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

SERVICIO DE REFERENCIA E INFORMACION LEGAL  
Asociación De Abogados De Filadelfia  
One Reading Center  
Noreste: Uguina 11th Y La City Market  
Filadelfia, Pennsylvania 19107  
Telefono: (215) 238-1701



ROSENBAUM & ASSOCIATES, P.C.  
By: JEFFREY M. ROSENBAUM, ESQ. – ID #51719  
1818 Market Street, Suite 3200  
Philadelphia, PA 19103  
(215) 569-0200

MAJOR NON-JURY  
Hearing on Assessment  
of Damages is Required

Attorney For Plaintiff

RALPH LANE and BEVERLY LANE as h/w	:	PHILADELPHIA COUNTY
225 Ryans Run, Garnet Valley, PA 19060	:	COURT OF COMMON PLEAS
vs.	:	
JOHN DOE (FICTITIOUS NAME)	:	
1230 Blackwood Clementon Road	:	TERM, 2017
Clementon, NJ 08021	:	
and	:	
ZALLIE SUPERMARKET, INC.	:	
1230 Blackwood Clementon Road	:	
Clementon, NJ 08021	:	NO:

2V Motor Vehicle Accident – Complaint in Civil Action

1. The plaintiffs, Ralph Lane and Beverly Lane, are husband and wife and residents of the Commonwealth of Pennsylvania, residing at the above address and at all times relevant hereto plaintiff, Ralph Lane, was an operator of one of the vehicles involved herein, which was involved herein.
2. The defendant, John Doe (fictitious name), identity unknown, is an adult individual and a resident of the State of New Jersey, and at all times relevant hereto was the owner and operator of the BMW involved herein.
3. The defendant, Zallie Supermarket, Inc., is a corporation, limited liability company, partnership or fictitious name of an individual or individuals, with a place of business located at the above address, and at all times relevant hereto was the owner of the BMW involved herein.
4. At all times relevant hereto, the defendants were acting through their agents, servants and/or employees within the course and scope of their employment, and the doctrine of Respondent Superior is invoked herein.

5. At all times relevant hereto all defendants were acting as the agents, servants, workmen and/or employees of all other named defendants.
6. On or about the 16<sup>th</sup> day of May, 2016, at or about 3:30 p.m., the defendant, John Doe, was operating a vehicle in the Shoprite parking lot at or near 6700 Frankford Avenue, Philadelphia, Pennsylvania, when he backed into the vehicle operated by plaintiff, Ralph Lane. Defendant, John Doe, refused to provide the plaintiff with his driver's license or insurance documents. Plaintiff then stood in front of defendant's vehicle to block defendant from fleeing the accident scene. The defendant willfully, wantonly, recklessly and negligently struck the plaintiff with his vehicle. Ultimately defendant fled the accident scene. The plaintiff was caused to sustain severe and serious injuries as more fully set forth hereinafter.
7. Plaintiff avers that the aforesaid collision was caused by the negligence of defendants, John Doe and Zallie Supermarket, Inc., as aforesaid, as follows:
  - a. Operating said motor vehicle at excessive rates of speed under the circumstances;
  - b. Failing to operate said motor vehicle with due regard for the rights, safety, points and position of the motor vehicle occupied by the plaintiff;
  - c. Failing to avoid said collision;
  - d. Failing to keep a proper lookout for other motor vehicles;
  - e. Failing to heed existing traffic patterns.
  - f. Failing to maintain defendants' vehicle in an operable/safe condition;
  - g. Striking the pedestrian-plaintiff with defendants' vehicle;
  - h. Intentionally, willfully and recklessly striking the pedestrian-plaintiff with defendants' vehicle;

- i. Fleeing and/or attempting to flee the scene of an accident without properly identifying himself/herself to the proper governmental authorities;
- j. Fleeing and/or attempting to flee the scene of an accident without properly identifying himself/herself to the plaintiff;
- k. Negligently entrusting the operation of a motor vehicle to a person defendant knew or should have known would not properly operate said motor vehicle; and,
- l. Negligently using a distracting electronic device, including but not limited to talking and/or texting on a cell phone.

COUNT I

PLAINTIFF RALPH LANE vs. ALL DEFENDANTS

- 8. The plaintiff, Robert Pluck, hereby incorporates by reference herein the allegations contained in the preceding paragraphs of this Complaint as though same were fully set forth at length herein.
- 9. Solely because of the negligence of the defendants acting as aforesaid, the plaintiff was caused to sustain serious physical injury in and about the person, including but not limited to plaintiff's back and knee, as well as a severe shock to the nerves and nervous system and was or may have been otherwise injured, whereby plaintiff has suffered and may continue to suffer in the future.
- 10. Plaintiff may have sustained other injuries and pre-existing conditions may have been aggravated.
- 11. Plaintiff avers that some or all of the injuries sustained may be or are of a permanent nature and character.
- 12. As a further result of the aforesaid accident, plaintiff has been unable in the past, and is likely to continue to be unable in the future, to attend to plaintiff's usual duties,

activities, vocations and avocations, all to plaintiff's great financial loss and detriment.

13. As a further result of the aforesaid accident and resultant injuries, plaintiff has expended and is in the future likely to expend substantial sums of monies for the care, treatment and attempted cure of plaintiff's injuries, all to plaintiff's great financial loss and detriment.
14. As a further result of the aforesaid accident and resultant injuries, plaintiff has been caused to undergo in the past and is likely to undergo in the future, severe pain, suffering, inconvenience and embarrassment, all to plaintiff's great financial loss and detriment.
15. Plaintiff is entitled to full tort benefits in this matter, or in the alternative, no tort limitations limit plaintiff's claim in any way.

**WHEREFORE**, plaintiff, Ralph Lane, demands judgment against the defendants, John Doe and Zallie Supermarket, Inc., for both compensatory and punitive damages, in a sum in excess of \$100,000.00.

#### COUNT II

#### PLAINTIFF, BEVERLY LANE vs. ALL DEFENDANTS

16. The plaintiff, Beverly Lane, hereby incorporates by reference herein the allegations contained in the preceding paragraphs of this Complaint as though same were fully set forth at length herein.
17. Plaintiff avers that she is the spouse of plaintiff, Ralph Lane.
18. As a result of the aforementioned occurrence, said plaintiff has been and may in the future be required to expend various sums of money for medical services,

medicines and/or x-rays in an effort to treat and cure the spouse of the injuries sustained in the occurrence and has incurred or may incur other losses for which plaintiff is entitled to be compensated.

19. Further, by reason of the aforesaid, said plaintiff has been deprived of the assistance and society of the spouse, all of which has been to the great financial damage and loss of plaintiff.

**WHEREFORE**, plaintiff, Beverly Lane, demands judgment against the defendants, John Doe and Zallie Supermarket, Inc., for both compensatory and punitive damages, in a sum in excess of \$100,000.00.

ROSENBAUM AND ASSOCIATES, P.C.

By: \_\_\_\_\_

JEFFREY M. ROSENBAUM, ESQ.  
Attorney for Plaintiff

DATE: \_\_\_\_\_

**VERIFICATION**

Jeffrey M. Rosenbaum, Esquire, states that he is the attorney for the Plaintiffs herein, that he is acquainted with the facts set forth in the foregoing Complaint in Civil Action and that the same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
JEFFREY M. ROSENBAUM, ESQ.

DATE: \_\_\_\_\_